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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 UNITED STATES OF AMERICA,) CASE NO. CR05-130-JLR
09 Plaintiff,)
10 v.) SUMMARY REPORT OF U.S.
11 RICHARD JIMMY CAYOU,) MAGISTRATE JUDGE AS TO
12 Defendant.) ALLEGED VIOLATIONS
OF SUPERVISED RELEASE
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14 An evidentiary hearing on supervised release revocation in this case was scheduled before
15 me on May 13, 2008. The United States was represented by AUSA Lisca N. Borichewski and the
16 defendant by Carol Koller. The proceedings were digitally recorded.

17 Defendant had been sentenced on or about February 13, 2006 by the Honorable James L.
18 Robart on a charge of Sexual Abuse of a Minor, and sentenced to 18 months custody, 5 years
19 supervised release. (Dkt. 26.)

20 The conditions of supervised release included the standard conditions plus the requirements
21 that defendant be prohibited from the use of alcohol, participate in alcohol treatment, participate
22 in drug testing, submit to search, participate in mental health/sexual offender treatment including

01 psychological testing, have no unsupervised, unapproved contact with minors, and follow all
02 required lifestyle restrictions including avoiding places frequented by minors. The period of
03 supervised release was subject to reduction by one year if the defendant obtained a GED.

04 The conditions of supervised release were modified on December 11, 2006 to require
05 residence in a residential re-entry program for up to 180 days. (Dkt. 26.)

06 On July 6, 2007, defendant admitted to violating the conditions of supervised release by
07 failing to notify his probation officer of a change in residence, failing to notify his probation officer
08 of a change in employment, and failing to submit a complete and truthful monthly report. (Dkt.
09 32.) A term of 6 months in custody was imposed, followed by 29 months supervised release (Dkt.
10 36.)

11 In an application dated May 5, 2008 (Dkt. 40), U.S. Probation Officer Monique D. Neal
12 alleged the following violations of the conditions of supervised release:

- 13 1. Using marijuana on or before April 23, 2008, in violation of standard condition No.
14 7.
- 15 2. Failing to satisfactorily participate in a residential reentry center program by being
16 terminated from the program at Pioneer Fellowship House, in violation of the special condition
17 that he satisfactorily participate in the program for up to 180 days.

18 Defendant was advised in full as to those charges and as to his constitutional rights.

19 Defendant admitted the alleged violations and waived any evidentiary hearing as to
20 whether they occurred. (Dkt. 45.) The government will recommend a sanction consisting of a
21 term of imprisonment equal to the elapsed time from the defendant's arrest until a bed becomes
22 available in a residential reentry center program. The defendant acknowledged that the

01 recommendation is not binding on the Court.

02 I therefore recommend the Court find defendant violated his supervised release as alleged,
03 and that the Court conduct a hearing limited to the issue of disposition. The next hearing will be
04 set before Judge Robart.

05 Pending a final determination by the Court, defendant has been detained.

06 DATED this 13th day of May, 2008.

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08 Mary Alice Theiler
09 United States Magistrate Judge

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11 cc: District Judge: Honorable James L. Robart
12 AUSA: Lisca Borichewski
13 Defendant's attorney: Carol A. Koller
14 Probation officer: Monique D. Neal
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